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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

EVERMORE PARK, LLC, a Delaware
Limited Liability Company,

Plaintiff,

v.

TAYLOR SWIFT, an individual, **TAS
RIGHTS MANAGEMENT, LLC**, a
Tennessee Limited Liability Company, and
TAYLOR NATION, LLC, a Tennessee
Limited Liability Company,

Defendants.

Civil Action No.: 2:21-cv-00069

Honorable: Magistrate Judge Daphne A. Oberg

DECLARATION OF KEN BRETSCHNEIDER

I, Ken Bretschneider, declare under penalty of perjury of the laws of the United States that the following is true and correct and that I have personal knowledge of the following facts:

1. I am the chief executive officer of Evermore Park, LLC (“Evermore”).
2. Evermore has invested approximately \$37,000,000 into the creation and promotion of Evermore Park and the EVERMORE trademarks.
3. Evermore’s investment in developing and promoting the EVERMORE trademark includes:

(a) Expending \$406,835.00 in advertising and promoting the EVERMORE Trademark;

(b) Purchasing the domain name EVERMORE.COM at a cost of \$300,000.00; and

(c) Expending \$228,587 in direct labor costs for advertising and promoting the EVERMORE Trademark.

4. To date, Evermore Park has provided its entertainment services to 142,784 guests since it opened its doors in 2018.

5. Evermore offers clothing items bearing the EVERMORE trademark. Some examples of clothing items bearing the EVERMORE trademark are shown below.

EVERMORE Hoodie



EVERMORE T-Shirt



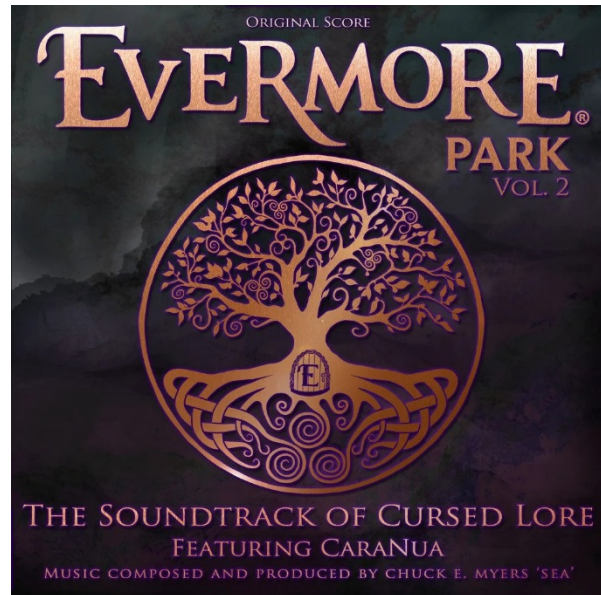
EVERMORE Hat



6. Evermore also uses the EVERMORE trademark in connection with goods and services in addition to those specifically enumerated in Evermore's Trademark Registrations.

7. For example, Evermore commissioned the creation of two original music scores that Evermore sells under the EVERMORE trademark through a variety of outlets, such as Apple Music.¹ The album artwork for the scores features the EVERMORE trademark, as shown below.

¹ See *Evermore Park, Vol. 1: The Soundtrack of Magical Lore (Original Score)*, available at <https://music.apple.com/us/album/evermore-park-vol-1-soundtrack-magical-lore-original/1442138785?uo=4&app=music>; *Evermore Park, Vol. 2: The Soundtrack of Cursed Lore (Original Score)*, available at <https://music.apple.com/us/album/evermore-park-vol-2-soundtrack-cursed-lore-original/1438239366>.



8. Evermore also uses the EVERMORE trademark in connection with keychains, commemorative coins, postcards, and pins, as shown below.





9. Prior to December 11, 2020, the first page of a search of Google.com for “Evermore” produced a majority of results with content relating to Evermore, including Evermore’s social media accounts, news articles about Evermore, and reviews of Evermore Park.

Dated: February 2, 2021

A handwritten signature in black ink, appearing to read "Ken Bretschneider", is written over a horizontal line.

Ken Bretschneider